

2005-2006 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3402/P1ins
ARG:.....

INSERT ANAL-A:

(no TP) so that the current version of the permit will no longer be issued after January 1, 2011, a new version of the permit will be available shortly after the effective date of the bill, and in the interim an applicant may apply for either version of the permit.

INSERT ANAL-B:

(no TP) or, if at least one of the three axles has multiple wheels supporting each end of the axle and the axle either lifts or steers, are on the power unit

INSERT ANAL-C:

The bill also changes the definition of "raw forest products" to include intermediary lumber.

The bill further requires raw forest product transporters to retain, for not less than 30 days from the date of receipt, any weight ticket, weight certification, or other document that identifies the gross weight of, or the weight of the load transported by, the vehicle or vehicle combination transporting the raw forest products. These records must be provided, within 10 days of the request, to any prosecutor in this state who requests them within the 30 day period during which they are required to be retained. Any person who fails to retain or produce these records as required must forfeit \$1,000.

INSERT ANAL-D:

(no TP) transporting raw forest products. The amount of the surcharge ranges from \$250 to \$750, depending on how many times the person has been previously convicted of overweight violations committed while transporting raw forest products within a preceding 24-month period. ✓

INSERT ANAL-E:

Under current law, upon conviction of a person for an overweight violation in any court, the court must forward a record of the conviction to DOT. This bill clarifies that the record of conviction must be forwarded regardless of whether the conviction is for violation of a state statute or a local ordinance in conformity with a state statute.

INSERT 7-10:

SECTION ~~1~~ 348.01 (2) (bt) of the statutes is amended to read:

348.01 (2) (bt) "Raw forest products" means logs, pilings, posts, poles, cordwood products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood and Christmas trees not altered by a manufacturing process off the land, sawmill or factory from which they are taken.

SECTION ~~2~~ 348.195 of the statutes is created to read:

348.195 Weight records of raw forest products transporters. (1) Any person transporting raw forest products by a vehicle or vehicle combination subject to the requirements of this subchapter shall retain, for not less than 30 days from the date of receipt, any weight ticket, weight certification, or other document that identifies the gross weight of the vehicle or vehicle combination or the weight of the load transported by the vehicle or vehicle combination.

(2) Upon demand by any prosecutor in this state within the 30 day period specified in sub. (1), any person required to retain records under sub. (1) shall provide such records to the requesting prosecutor within 10 days of the request.

(3) For purposes of this section, a true, accurate, and legible copy of any weight ticket, weight certification, or other document may be substituted for, and shall be given the effect of, an original.

(4) Any person required to retain records under sub. (1) or to produce records under sub. (2) who fails to retain or produce such records shall forfeit \$1,000. Each violation constitutes a separate offense.

INSERT 12-6:

(a) In this ⁹~~sub~~section, "violation" means an overweight violation under this subchapter or under a local ordinance in conformity with this subchapter or enacted under s. 349.15 (3) [✓] committed while transporting raw forest products.

INSERT 12-10:

(no P)

in the following amount:

1. If the person has not been convicted of another violation committed within the 24-month period immediately preceding the date of the violation for which the forfeiture is imposed, \$250.

2. If the person has been convicted of one violation committed within the 24-month period immediately preceding the date of the violation for which the forfeiture is imposed, \$500.

3. If the person has been convicted of 2 or more violations committed within the 24-month period immediately preceding the date of the violation for which the forfeiture is imposed, \$750. [✓]

INSERT 12-23:

~~SECTION 3.~~ [✓] 348.22 of the statutes is amended to read:

348.22 Courts to report weight violation convictions. Whenever any owner or operator is convicted of violating ss. 348.15 to 348.17 ^{STET} ~~or any local ordinance in conformity with ss. 348.15 to 348.17~~ [✓] or any ordinance enacted under s. 349.15 (3), the clerk of the court in which the conviction occurred, or the judge or municipal judge, if the court has no clerk, shall, within 48 hours after the conviction, forward a record of conviction to the department. Forfeiture of bail or appearance money or payment of a fine is a conviction within the meaning of this section.

History: 1971 c. 164 s. 83; 1977 c. 29 s. 1654 (7) (a); 1985 a. 332; 1989 a. 31.

INSERT 14-3:

(no P) No permit authorizing the transportation of raw forest products issued under this subdivision is valid after January 1, 2011. ✓

INSERT 14-8:

(no P) or, if at least one of the 3 axles has multiple wheels supporting each end of the axle and the axle either lifts or steers, are on the power unit

INSERT 16-19:

SECTION 4. Effective dates. This act takes effect on the first day of the 4th month beginning after publication, except as follows:

(1) The treatment of section 348.27 (9m) (a) 1. of the statutes takes effect on January 1, 2011. ✓

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3402/P1dn

ARG:.....

Wlj

ATTN: Representative Friske

Please review the attached draft carefully to ensure that it is consistent with your intent.

As requested, this draft includes "intermediary lumber" in the definition of "raw forest products." "Intermediary lumber" is not itself a defined term in the statutes and may be subject to interpretation; however, you have advised that it is a recognized and known term in the industry.

Please again review the configuration provisions in created s. 348.27 (9m) (a) 4. Based upon the diagram of configuration C that your office provided to me, I wonder whether this configuration would satisfy the "25 feet" drive axle to trailer axle requirement set forth in the created statutory text. In addition, created s. 348.27 (9m) (a) 4. would only provide for permits for vehicle combinations; unlike current s. 348.27 (9m) (a) 1., the new permit would not be available for single vehicles.

* Based upon ^ss. 349.03 and 349.06, I believe that local governments already have authority to enact ordinances adopting state weight limitations and to issue citations under those ordinances. (I am not sure to what extent they currently do so.) Accordingly, I have not created any new treatment in the draft related to this authorization, but I have amended s. 348.22 to clarify that if such ordinances are enacted, courts must send conviction records to DOT for such violations just as they currently send conviction records for overweight violations cited under state statute.

As requested, the attached draft requires raw forest product^s transporters to retain weight tickets for 30 days and to provide them to prosecutors upon request. As I understand it, these weight tickets could then be used for purposes of sentencing. Under s. 348.21, the court has no discretion in determining the amount of the forfeiture for an overweight violation that is based on the "total excess load," but does have some discretion in determining the "base" amount of the forfeiture. If a weight ticket provided to a prosecutor by a raw forest products transporter showed a violation unrelated to the overweight violation being charged, no separate conviction could be entered based upon that separate violation but the prosecutor could use the separate violation to argue that the court should exercise its discretion in sentencing to set the "base" amount of the forfeiture toward the top of the forfeiture range. Also, as with LRB-3070, since records only have to be kept for 30 days, I have limited the period

during which they must be provided to the prosecutor to this same 30^{day} period. I also added a 10^{day} deadline for providing these records following a prosecutor's request, since some deadline needs to be included. Is this ok? Finally, the attached draft requires a raw forest products transporter to retain weight tickets for 30 days. If you would like a prosecutor to be able to request and use weight tickets for the 30^{day}-period prior to the violation being prosecuted, the attached draft will need to be modified. This could be done by adding a provision requiring a raw forest products transporter to retain for a longer period (perhaps six months) any weight tickets received within 30 days prior to an overweight citation.

Please let me know if you would like any changes made to the attached draft or if you have any questions. If the attached draft meets with your approval, let me know and I will convert it to an introducible "/1" draft.

Aaron R. Gary
Legislative Attorney
Phone: (608) 261-6926
E-mail: aaron.gary@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3402/P1dn
ARG:wlj:rs

July 29, 2005

ATTN: Representative Friske

Please review the attached draft carefully to ensure that it is consistent with your intent.

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8/23

He from Tim - Frisk etc. 6-7694

- LRB-3402

p. 4, line 25 : 250 → 500
 " 5, " 3 : 500 → 750
 " 5, " 6 : 750 → 1,000
 " 6, " 20 : 13 ft → 9 ft.
 " 6, " 23 : 50" → 48"

8/24

need to cover a single vehicle →
 B & C covered

see d-note comments

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-3402/P1dn

ARG:wlj:rs

July 29, 2005

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• wants to use it as evidence to show pattern of behavior → note to him

evidence - due process

during which they must be provided to the prosecutor to this same 30-day period. I also added a 10-day deadline for providing these records following a prosecutor's request, since some deadline needs to be included. Is this OK? Finally, the attached draft requires a raw forest products transporter to retain weight tickets for 30 days. If you would like a prosecutor to be able to request and use weight tickets for the 30-day period prior to the violation being prosecuted, the attached draft will need to be modified. This could be done by adding a provision requiring a raw forest products transporter to retain for a longer period (perhaps six months) any weight tickets received within 30 days prior to an overweight citation.

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Aaron R. Gary
Legislative Attorney
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E-mail: aaron.gary@legis.state.wi.us

good →
we

Gary, Aaron

From: Gary, Aaron
Sent: Thursday, August 25, 2005 1:21 PM
To: Gary, Tim
Subject: RE: overweight vehicles - evidence issue

Tim, Sorry, but I need to follow up on another issue. From the beginning, the bill has been drafted to apply only to vehicle combinations, not single vehicles. In response to my drafter's note, in our follow up conversation yesterday, you indicated that the bill also needs to cover single vehicles. In the diagram you provided when we met on July 21, the bill would definitely not cover either of the single vehicles shown (configurations E and F). To the extent you want these covered, I will need you to provide me with configuration specifications and will have to significantly revise this portion of the existing draft. (Another option would be to allow single vehicles to continue to operate under the present permit instead of providing a sunset date for that permit.) Call if you have any questions. Aaron

Aaron R. Gary
 Legislative Attorney
 Legislative Reference Bureau
 608.261.6926 (voice)
 608.264.6948 (fax)
 aaron.gary@legis.state.wi.us

From: Gary, Aaron
Sent: Thursday, August 25, 2005 10:52 AM
To: Gary, Tim
Subject: RE: overweight vehicles - evidence issue

Tim,

I realized that the other issue we left hanging was the surcharge issue. Under the current draft, the surcharge always goes into the state's transportation fund, regardless of who writes the citation (state patrol or local law enforcement).

I meant to copy the evidence statute into my last e-mail - it is below.

Aaron R. Gary
 Legislative Attorney
 Legislative Reference Bureau
 608.261.6926 (voice)
 608.264.6948 (fax)
 aaron.gary@legis.state.wi.us

904.04(2)

(2) Other crimes, wrongs, or acts. Evidence of other crimes, wrongs, or acts is not admissible to prove the character of a person in order to show that the person acted in conformity therewith. This subsection does not exclude the evidence when offered for other purposes, such as proof of motive, opportunity, intent, preparation, plan, knowledge, identity, or absence of mistake or accident.

08/25/2005

From: Gary, Aaron
Sent: Wednesday, August 24, 2005 3:46 PM
To: Gary, Tim
Subject: overweight vehicles - evidence issue

Hi Tim,

As we discussed, the general rule is that prior violations are not admissible to prove guilt. See s. 904.04 (2). There are exceptions noted in this provision which I don't think would be applicable but you may want to confer with a prosecutor in this issue. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
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608.264.6948 (fax)
aaron.gary@legis.state.wi.us

08/25/2005

Gary, Aaron

From: Gary, Tim
Sent: Friday, September 02, 2005 12:09 PM
To: Hurley, Peggy
Cc: Gary, Aaron
Subject: RE: 05-3402/P1

Then I will look forward to hearing from you after you have talked it over with Aaron?

Tim

From: Hurley, Peggy
Sent: Friday, September 02, 2005 12:03 PM
To: Gary, Tim
Cc: Gary, Aaron
Subject: RE: 05-3402/P1

Hi Tim,

I took a closer look at Aaron Gary's file, and I see that this is a fairly complex piece of legislation and that Aaron sent a drafter's note along with his /P1 draft. Under the circumstances, I would not feel comfortable making the changes you've forwarded without talking it over with Aaron.

Peggy Hurley
Legislative Reference Bureau
608 266 8906

From: Gary, Tim
Sent: Friday, September 02, 2005 11:42 AM
To: Hurley, Peggy
Subject:

I sent this copy back to the bill drafter with the following instructions:

- Page 4 Line 25 ... \$500
- Page 5 Line 3 ... \$750
- Page 5 Line 6 ... \$1000
- Page 6 Line 20 ... 9 feet
- Page 6 Line 23 ... 48 inches
- The surcharge needs to be directed to the government commencing the enforcement action ...
 - o State Patrol: surcharge goes to the State transportation fund
 - o County Sheriff: surcharge goes to the County transportation fund
 - o City/Village Police: surcharge goes to the city/village transportation fund

Tim

Gary, Aaron

From: Gary, Tim
Sent: Tuesday, September 06, 2005 2:33 PM
To: Gary, Aaron
Subject: RE: Draft review: LRB 05-3402/P1 Topic: changes to raw forest products fruits and vegetables overweight vehicle permit; creating surcharge; requiring raw forest products transporters to keep records

Please do make the length changes. Please do not make any other changes. We will wind up substitute amending it with the /P2 draft.

From: Gary, Aaron
Sent: Tuesday, September 06, 2005 2:31 PM
To: Gary, Tim; Emery, Lynn
Subject: RE: Draft review: LRB 05-3402/P1 Topic: changes to raw forest products fruits and vegetables overweight vehicle permit; creating surcharge; requiring raw forest products transporters to keep records

It has to be redrafted as a "/1" to jacket, which I can do. You'll have it today. I am in the middle of an e-mail to you trying to "wrap up" where we left everything on August 24. You'll have that e-mail in a few minutes. Since I have to redraft to jacket it, I can do the dollar changes and length changes for you. It is the surcharge (plus anything else outstanding) that is complicated. Please confirm that you in fact want me to make the dollar changes and length changes in this redraft to a "/1" to go out today. Thanks. Aaron

Aaron R. Gary
Legislative Attorney
Legislative Reference Bureau
 608.261.6926 (voice)
 608.264.6948 (fax)
aaron.gary@legis.state.wi.us

From: Gary, Tim
Sent: Tuesday, September 06, 2005 2:26 PM
To: Emery, Lynn
Cc: Gary, Aaron
Subject: RE: Draft review: LRB 05-3402/P1 Topic: changes to raw forest products fruits and vegetables overweight vehicle permit; creating surcharge; requiring raw forest products transporters to keep records

Please jacket this bill for Rep. Friske "as is."

From: Emery, Lynn
Sent: Friday, July 29, 2005 11:51 AM
To: Rep.Friske
Subject: Draft review: LRB 05-3402/P1 Topic: changes to raw forest products fruits and vegetables overweight vehicle permit; creating surcharge; requiring raw forest products transporters to keep records

Following is the PDF version of draft LRB 05-3402/P1 and drafter's note.

09/06/2005

TODAY

in 9/6

KMR

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 AN ACT ^{Regen} ~~to amend~~ 348.01 (2) (bt), 348.22, 348.27 (9m) (a) 1. and 348.27 (9m) (b);
2 and **to create** 25.40 (1) (in), 348.195, 348.215, 348.27 (9m) (a) 4., 814.75 (17m),
3 814.79 (6m) and 814.81 (7m) of the statutes; **relating to:** annual or consecutive
4 month permits for certain overweight vehicles or vehicle combinations,
5 creating an overweight vehicle surcharge, requiring certain motor carriers to
6 maintain weight records, and providing a penalty.

Analysis by the Legislative Reference Bureau

Under current law, with limited exceptions, no person may operate upon a highway any vehicle or combination of vehicles that exceeds certain statutory weight limits unless the person obtains a permit issued by the Department of Transportation (DOT) or a local authority. Any state traffic patrol officer, state motor vehicle inspector, or other traffic officer may issue a citation for an overweight violation to a person or motor carrier for the operation of a vehicle in excess of applicable weight limitations.

Under current law, with limitations, DOT may issue an annual or consecutive month permit (a raw forest products, fruits, and vegetables permit) for the transportation of raw forest products, fruits or vegetables from field to storage or processing facilities, or bulk potatoes from storage facilities to rail loading or food processing facilities in vehicles or vehicle combinations that exceed generally applicable statutory gross weight limitations by not more than 10,000 pounds. The

permit may not authorize the operation of any vehicle or vehicle combination at a maximum gross weight in excess of 90,000 pounds. A permit for the transportation of raw forest products or of fruits or vegetables is not valid on highways designated as part of the national system of interstate and defense highways except on a specified portion of I 39.

This bill modifies the raw forest products, fruits, and vegetables permit with respect to the transportation of raw forest products so that the current version of the permit will no longer be issued after January 1, 2011, a new version of the permit will be available shortly after the effective date of the bill, and in the interim an applicant may apply for either version of the permit. Under the new version of the permit, DOT may issue a raw forest products, fruits, and vegetables permit for the transportation of raw forest products in vehicle combinations that exceed generally applicable statutory gross weight limitations by not more than 18,000 pounds if all of the following apply:

1. The vehicle combination has six or more axles, at least three of which are on a trailer or semitrailer or, if at least one of the three axles has multiple wheels supporting each end of the axle and the axle either lifts or steers, are on the power unit.

2. The gross weight imposed on the highway by the wheels of any one axle of the vehicle combination does not exceed 18,000 pounds.

3. There is a distance of at least ~~18~~ feet between the foremost steering axle and the foremost axle of the drive axle on the power unit, at least 25 feet between the rearmost axle of the drive axle on the power unit and the foremost axle on the trailer or semitrailer, and at least ~~50~~ inches between any two consecutive axles of each tandem axle on the trailer or semitrailer.

The permit does not authorize the operation of any vehicle combination at a maximum gross weight in excess of 98,000 pounds. The permit is also not valid on interstate highways, on highways or bridges with posted weight limitations less than the vehicle combination's gross weight, and on state trunk highways that DOT has designated by rule as routes on which the permit is not valid.

The bill also changes the definition of "raw forest products" to include intermediary lumber.

The bill further requires raw forest product transporters to retain, for not less than 30 days from the date of receipt, any weight ticket, weight certification, or other document that identifies the gross weight of, or the weight of the load transported by, the vehicle or vehicle combination transporting the raw forest products. These records must be provided, within ten days of the request, to any prosecutor in this state who requests them within the 30-day period during which they are required to be retained. Any person who fails to retain or produce these records as required must forfeit \$1,000.

Current law imposes various surcharges against persons who violate certain laws; these surcharges must be paid in addition to any fine or forfeiture imposed and in addition to any other surcharge imposed. For example, current law imposes a railroad crossing improvement surcharge on persons convicted of violating certain traffic laws relating to railroad crossings, a truck driver education surcharge on

persons convicted of violating certain traffic laws while operating a commercial motor vehicle, and a driver improvement surcharge on persons convicted of violating certain laws relating to driving while intoxicated. With limited exceptions, a person convicted of a state or local traffic law violation must also pay other surcharges of general applicability.

This bill creates an overweight vehicle surcharge that must be imposed on any person convicted of any overweight violation committed while transporting raw forest products. The amount of the surcharge ranges from \$250 to \$750, depending on how many times the person has been previously convicted of overweight violations committed while transporting raw forest products within a preceding 24-month period. The money collected from the surcharge is deposited into the transportation fund.

Under current law, upon conviction of a person for an overweight violation in any court, the court must forward a record of the conviction to DOT. This bill clarifies that the record of conviction must be forwarded regardless of whether the conviction is for violation of a state statute or a local ordinance in conformity with a state statute.

Because this bill concerns an exception to the vehicle weight limits specified in ch. 348, stats., the Department of Transportation, as required by law, will prepare a report to be printed as an appendix to this bill.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 25.40 (1) (in) of the statutes is created to read:

2 25.40 (1) (in) All moneys forwarded by treasurers from overweight vehicle
3 surcharges imposed under s. 348.215, as provided in ss. 59.25 (3) (f) 2. and 66.0114
4 (1) (bm).

5 **SECTION 2.** 348.01 (2) (bt) of the statutes is amended to read:

6 348.01 (2) (bt) "Raw forest products" means logs, pilings, posts, poles, cordwood
7 products, wood chips, sawdust, pulpwood, intermediary lumber, fuel wood and
8 Christmas trees not altered by a manufacturing process off the land, sawmill or
9 factory from which they are taken.

10 **SECTION 3.** 348.195 of the statutes is created to read:

1 **348.195 Weight records of raw forest products transporters.** (1) Any
2 person transporting raw forest products by a vehicle or vehicle combination subject
3 to the requirements of this subchapter shall retain, for not less than 30 days from the
4 date of receipt, any weight ticket, weight certification, or other document that
5 identifies the gross weight of the vehicle or vehicle combination or the weight of the
6 load transported by the vehicle or vehicle combination.

7 (2) Upon demand by any prosecutor in this state within the 30-day period
8 specified in sub. (1), any person required to retain records under sub. (1) shall provide
9 such records to the requesting prosecutor within 10 days of the request.

10 (3) For purposes of this section, a true, accurate, and legible copy of any weight
11 ticket, weight certification, or other document may be substituted for, and shall be
12 given the effect of, an original.

13 (4) Any person required to retain records under sub. (1) or to produce records
14 under sub. (2) who fails to retain or produce such records shall forfeit \$1,000. Each
15 violation constitutes a separate offense.

16 **SECTION 4.** 348.215 of the statutes is created to read:

17 **348.215 Overweight vehicle surcharge.** (1) (a) In this section, “violation”
18 means an overweight violation under this subchapter or under a local ordinance in
19 conformity with this subchapter or enacted under s. 349.15 (3) committed while
20 transporting raw forest products.

21 (b) If a court imposes a forfeiture for a violation, the court shall also impose
22 under ch. 814 an overweight vehicle surcharge in the following amount:

23 1. If the person has not been convicted of another violation committed within
24 the 24-month period immediately preceding the date of the violation for which the
25 forfeiture is imposed, \$250.

1 2. If the person has been convicted of one violation committed within the
2 24-month period immediately preceding the date of the violation for which the
3 forfeiture is imposed, \$500.

4 3. If the person has been convicted of 2 or more violations committed within the
5 24-month period immediately preceding the date of the violation for which the
6 forfeiture is imposed, \$750.

7 (c) If multiple offenses are involved, the court shall impose an overweight
8 vehicle surcharge upon each forfeiture imposed.

9 (2) (a) Except as provided in par. (b), the clerk of the circuit court shall collect
10 and transmit the amount of the overweight vehicle surcharge under sub. (1) to the
11 county treasurer as provided in s. 59.40 (2) (m). The county treasurer shall then pay
12 this amount to the secretary of administration as provided in s. 59.25 (3) (f) 2.

13 (b) If a forfeiture is imposed by a municipal court, the court shall transmit the
14 amount of the overweight vehicle surcharge under sub. (1) to the treasurer of the city
15 or village as provided in s. 66.0114 (1) (bm) and the treasurer shall then pay this
16 amount to the secretary of administration as provided in s. 66.0114 (1) (bm).

17 (c) The secretary of administration shall deposit all amounts received under
18 this subsection into the transportation fund.

19 **SECTION 5.** 348.22 of the statutes is amended to read:

20 **348.22 Courts to report weight violation convictions.** Whenever any
21 owner or operator is convicted of violating ss. 348.15 to 348.17 or any local ordinance
22 in conformity with ss. 348.15 to 348.17 or any ordinance enacted under s. 349.15 (3),
23 the clerk of the court in which the conviction occurred, or the judge or municipal
24 judge, if the court has no clerk, shall, within 48 hours after the conviction, forward

1 a record of conviction to the department. Forfeiture of bail or appearance money or
2 payment of a fine is a conviction within the meaning of this section.

3 **SECTION 6.** 348.27 (9m) (a) 1. of the statutes is amended to read:

4 348.27 (9m) (a) 1. ~~Raw forest products or of fruits~~ Fruits or vegetables from
5 field to storage or processing facilities in vehicles or vehicle combinations that exceed
6 the maximum gross weight limitations under s. 348.15 (3) (c) by not more than 10,000
7 pounds. A permit under this subdivision is not valid on highways designated as part
8 of the national system of interstate and defense highways, except on I 39 between
9 STH 29 south of Wausau and the I 90/94 interchange near Portage in Marathon,
10 Portage, Waushara, Marquette and Columbia counties. No permit authorizing the
11 transportation of raw forest products issued under this subdivision is valid after
12 January 1, 2011.

13 **SECTION 7.** 348.27 (9m) (a) 4. of the statutes is created to read:

14 348.27 (9m) (a) 4. Raw forest products in vehicle combinations that exceed the
15 maximum gross weight limitations under s. 348.15 (3) (c) by not more than 18,000
16 pounds if the vehicle combination has 6 or more axles at least 3 of which are on a
17 trailer or semitrailer or, if at least one of the 3 axles has multiple wheels supporting
18 each end of the axle and the axle either lifts or steers, are on the power unit, the gross
19 weight imposed on the highway by the wheels of any one axle of the vehicle
20 combination does not exceed 18,000 pounds, and there is a distance of at least ~~13~~ ⁹ feet
21 between the foremost steering axle and the foremost axle of the drive axle on the
22 power unit, at least 25 feet between the rearmost axle of the drive axle on the power
23 unit and the foremost axle on the trailer or semitrailer, and at least ~~50~~ ⁴⁸ inches
24 between any two consecutive axles of each tandem axle on the trailer or semitrailer.
25 A permit under this subdivision is not valid on any interstate highway designated

1 under s. 84.29 (2), any highway or bridge with a posted weight limitation that is less
2 than the vehicle combination's gross weight, and any part of the state trunk highway
3 system that the department has designated by rule as a route on which a permit
4 issued under this subsection is not valid.

5 **SECTION 8.** 348.27 (9m) (b) of the statutes is amended to read:

6 348.27 (9m) (b) A permit issued under par. (a) 1. to 3. does not authorize the
7 operation of any vehicle or vehicle combination at a maximum gross weight in excess
8 of 90,000 pounds. A permit issued under par. (a) 4. does not authorize the operation
9 of any vehicle combination at a maximum gross weight in excess of 98,000 pounds.

10 **SECTION 9.** 814.75 (17m) of the statutes is created to read:

11 814.75 (17m) The overweight vehicle surcharge under s. 348.215.

12 **SECTION 10.** 814.79 (6m) of the statutes is created to read:

13 814.79 (6m) The overweight vehicle surcharge under s. 348.215.

14 **SECTION 11.** 814.81 (7m) of the statutes is created to read:

15 814.81 (7m) The overweight vehicle surcharge under s. 348.215.

16 **SECTION 12. Initial applicability.**

17 (1) This act first applies to motor vehicles operated on, and violations
18 committed on, the effective date of this subsection, but does not preclude the counting
19 of other violations as prior violations for purposes of sentencing a person.

20 **SECTION 13. Effective dates.** This act takes effect on the first day of the 4th
21 month beginning after publication, except as follows:

22 (1) The treatment of section 348.27 (9m) (a) 1. of the statutes takes effect on
23 January 1, 2011.

24 (END)